BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting February 5, 2008

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:00 P. M., Tuesday, February 5, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Harry E. Crisp; Mark Dudenhefer; Paul V. Milde; George H. Schwartz, Chairman; Cord A. Sterling; Robert "Bob" Woodson; and M. S. "Joe" Brito, Vice Chairman.

Also in attendance were: Anthony J. Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Report of the Superintendent of Schools.</u> Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

George Paxson - "No Wake" areas on Aquia Creek.

Dana Brown - Governor's School.

Lou Silver

- Board Van.
- Expenses.
- Resource Protection area.
- Tax relief for the elderly.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Crisp

- Town Hall Meeting.
- Regional Solid Waste Management Board operations.
- Historic properties.
- Fredericksburg-Stafford Park Authority membership.

Mr. Dudenhefer

- George Washington Regional Commission and Fredericksburg
 Area Metropolitan Planning Organization.
- Commuter parking.
- Internal auditor.
- Attended Regional Elected Officials Meeting.
- Attended Chamber of Commerce gala.
- Illegal Immigration Task Force.
- Homeowners Association meeting.
- Virginia Department of Transportation Traffic Management Plan.

Mr. Milde

- Attended Potomac and Rappahannock Transportation Commission meeting.
- Attended Virginia Railway Express meeting.
- Attended Supervisors' Forum.
- Attended Museum Committee meting.
- Attended Business, Professional and Occupational License meeting.

- Attended Immigration Task Force meeting
- Rappahannock Regional Solid Waste Management Board.
- Chamber of Commerce Strategic Planning forum.
- George Washington Regional Commission.
- Commuter parking lot towing.
- Thurman Brisben Shelter.
- Courthouse expansion.
- Attended Regional Elected Officials Meeting.

Mr. Sterling

- Attended Fredericksburg Regional Alliance meeting.
- Attended Quantico Growth Management Committee meeting.
- Attended Chamber of Commerce meeting.
- Transportation funding.
- Bylaws Committee.
- Site visits for rezoning and park facilities.
- Attended charity basketball game.

Mr. Woodson

- Managed growth and taxes.
- Boards, Authorities, Commissions and Committees.
- Planning Commissioner certifications.
- Public information more accessible to citizens.
- Resource Protection Area.
- Buildable areas in subdivisions.
- Traffic and transportation planning.

Mr. Brito

- Removed 5a from the Consent Agenda.
- Tour of Park facilities.
- Attended Regional Elected Officials Meeting.
- Public Safety Building turn lanes.

Mr. Schwartz

Attended various meetings.

<u>Legislative</u>; Report of the County Attorney. Mr. Joe Howard, County Attorney, had no report.

Legislative; Report of the County Administrator. Mr. Anthony J. Romanello, County

Administrator, commented on the following:

Primmer House Road status.

January report to the Board.

Zoning determinations on home page.

Budget.

Legislative Delegation Meeting.

Deletion of Item 5d on Consent Agenda.

Legislative; Board Budget Committee. Hearing no objections from the Board, the Chairman appointed Mr. Crisp and Mr. Sterling to a Board Committee to review the FY2009 Budget data and report back to the Board at its adjourned meeting on March 25, 2008.

Legislative; Consent Agenda. Mr. Milde motioned, seconded by Mr. Sterling, to adopt the

Consent Agenda consisting of Items 1 thru 5, omitting items 5a and 5d.

The Voting Board tally was:

Yea: (7)

Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Item 1. Legislative; Approve Minutes of Board Meetings. Annual Meeting of January 2, 2008.

Item 2. Finance; Approve Expenditure Listing

Resolution R08-94 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED JANUARY 15, 2008 THROUGH FEBRUARY 4, 2008

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February 2008, that the above-mentioned EL be and it hereby is approved.

<u>Item 3. Public Information; Approve Proclamations.</u>

<u>Item 3a.</u> <u>Kevin Dickinson for his Service with the Hartwood Volunteer Fireman's Association,</u> Inc.

Proclamation P08-02 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND KEVIN S. DICKINSON FOR HIS SERVICE WITH THE HARTWOOD VOLUNTEER FIREMEN'S ASSOCIATION, INC.

WHEREAS, Kevin S. Dickinson joined the Hartwood Volunteer Firemen's Association, Inc. in 1977, working as a firefighter and apparatus driver and operator, eventually serving as a lieutenant and deputy chief of the organization; and

WHEREAS, Kevin Dickinson was elected by his fellow volunteers in December 1999 to fill the role of chief; and

WHEREAS, during his tenure, Kevin Dickinson demonstrated a unique ability to raise funds to purchase the most modern equipment including custom ambulances, state-of-the-art engines and pumpers, and other vehicles for the station; and

WHEREAS, Kevin Dickinson was dedicated to the recruitment and rigorous training of the best personnel available, ensuring that members upgraded their state certifications, and supporting the Junior Firemen Program by including these young people in the association's training program; and

WHEREAS, Kevin Dickinson was a hands-on officer who set the standard of outstanding service, a leader who demanded the best efforts from his follow volunteers, responding to calls and sharing the expertise gained over the course of many challenging years fighting fires, assisting at accident scenes and offering support during other life-threatening situations; and

WHEREAS, Kevin Dickinson attended numerous local, regional and state seminars and conferences to keep current with the latest training requirements, as well as the numerous laws and regulations to which volunteer firefighting organizations must adhere; and

WHEREAS, Kevin Dickinson consistently demonstrated a deep concern for his community and the County, and was appreciated by his fellow volunteers and others with whom he worked for his outgoing and sociable personality; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the professionalism and enthusiasm with which Kevin Dickinson has dedicated the last 30 years to protecting the lives and property of the citizens of Stafford;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of February 2008, that Kevin S. Dickinson be and he hereby is commended for his service with the Hartwood Volunteer Firemen's Association, Inc. and the County of Stafford.

Item 3b. Posthumously Joan P. Shea.

Proclamation P08-03 reads as follows:

A PROCLAMATION TO COMMEMORATE POSTHUMOUSLY JOAN P. SHEA

WHEREAS, Joan P. Shea was the owner of Woodlands Campgrounds in Garrisonville for eight years in the 1980s; and

WHEREAS, Joan Shea was devoted to the citizens of Stafford County and committed to enhancing parks and recreation opportunities in the community; and

WHEREAS, Joan Shea and her husband, George, donated 3.7 acres of land in December 1987 to the Board which consisted of an existing swimming pool and adjacent land, for the purpose of preserving the pool for the community's use; and

WHEREAS, the Board, on the recommendation of the Parks and Recreation Commission, adopted a resolution in May 1988 that identified the land donated by Joan and George Shea as "Woodlands Pool"; and

WHEREAS, Woodlands Pool has evolved into the County's only year-round public pool, enabling swimmers of all ages and abilities to take advantage of swimming lessons, training opportunities, and aquatics lifesaving classes; and

WHEREAS, as a year-round covered facility, Woodlands Pool has played a significant role in the training of athletes from Stafford's five high school swim teams; three year-round competitive swim teams, which have produced nationally ranked competitors; the Iron Man competition; adaptive swim teams whose members compete in the Special Olympics; and a very successful American Red Cross Swim Lesson program by providing a safe, clean and comfortable swimming environment; and

WHEREAS, Woodlands Pool provides employment opportunities for individuals, about 80 percent for whom a seasonal or temporary position at the pool is their first job, enabling them to learn at an early age about careers in parks and recreation, aquatics, and local government; and

WHEREAS, Joan Shea, even after she donated the land to the County, continued to take a personal interest in the well-being of staff at the pool, checking on them during the day to see how they were doing and whether they needed anything; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the valuable and selfless commitment that Joan Shea made to Stafford County, and to honor those who survive her, including her beloved husband, George Shea, and their children, Patrick Shea and Susan Shea Smith;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of February, 2008 that Joan P. Shea be and she hereby is commemorated posthumously.

Item 3c. Transportation Commission for its Service from 2004-2008.

Proclamation P08-04 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND
THE TRANSPORTATION COMMISSION FOR ITS SERVICE
TO STAFFORD CITIZENS FROM 2004 – 2008

WHEREAS, the Transportation Commission was created in 2004 to advise the Board on all transportation-related issues, except aviation; and

WHEREAS, members actively sought input from the citizens of Stafford County by conducting a comment period at the Commission's monthly meetings, during which residents could ask for traffic signals, signs or other safety measures in their neighborhoods; and

WHEREAS, the Commission used this evaluation to make recommendations to provide the most practical, economic and safest methods possible for motorists to travel in such a high growth area; and

WHEREAS, after citizen input and meticulous studies, Commission members provided to the Board a prioritized list of secondary road projects; and

WHEREAS, despite the challenges presented by a decrease in State funding for transportation-related projects, the members of the Transportation Commission continued to be steadfast in their dedication to improving road safety in Stafford; and

WHEREAS, the Commission provided excellent, productive advice to staff, citizens and the Board; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the outstanding support provided by the members of the Transportation Commission including Steven Apicella, Bill Cook, Rob Dingess, Byron Hinton, Bruce Iosco, Mike Kidby, Walter Kreutzer, and Roland Stanford and;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of February, 2008, that the Transportation Commission be and they hereby are commended for their efforts to make Stafford's roads safe for all motorists.

Item 4. Transportation; Petition VDOT to Include Primmer House Road with Leeland Station
Subdivision and Abandon, Add and Change Data Regarding Morton Road in the Secondary
System of State Highways

Resolution R08-100 reads as follows:

A RESOLUTION THAT PETITIONS THE VIRGINIA DEPARTMENT

OF TRANSPORTATION TO INCLUDE PRIMMER HOUSE ROAD

WITHIN LEELAND STATION SUBDIVISION INTO THE SECONDARY

SYSTEM OF STATE HIGHWAYS AND TO ABANDON, ADD AND CHANGE

DATA TO SECTIONS OF MORTON ROAD IN THE SECONDARY SYSTEM OF

STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as

amended, desires to add Primmer House Road within Leeland Station Subdivision into the

Secondary System of State Highways; and

WHEREAS, as a result of these improvements, adjustments to the Secondary System of

State Highways are necessary; and

WHEREAS, the new road serves the same citizens as the portions of old road to be

abandoned, and the segment no longer serves a public need; and

WHEREAS, the Board requests the Virginia Department of Transportation (VDOT) to

add to the Secondary System of State Highways pursuant to Section 33.1-229, of the Code of

Virginia (1950), as amended, and change the following sections of Morton Road in the

Secondary System of State Highways due to the construction of Primmer House Road; and

Type of Changes to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory

provision or provisions cited, are hereby requested; the right of way for which, including

additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New Subdivision Street

Pursuant to the Code of Virginia, Section 33.1-229

Street Name and State Route Number

► Primmer House Road, SR-624

No Prior Route Number

• From: 0.11 Mi. E. Northridge Drive, SR-1334

To: Inter. Morton Road, SR-1970, a Distance of 0.07 Mi.

Recordation Reference: Ins. # 000000499, PB 34, pg 128-130

Right of Way (ROW) Width (feet) = 100 feet

Primmer House Road, SR-624

No Prior Route Number

• From: Inter. Morton Road, SR-1970

To: 0.12 Mi. E. Inter. Morton Road, SR-1970, a Distance of 0.12 Mi.

Recordation Reference: Ins. # 000000499, PB 34, pg 128-130

ROW Width (feet) = 100 feet

► Primmer House Road, SR-624

No Prior Route Number

• From: 0.12 Mi. E. Inter. Morton Road, SR-1970

To: 0.16 Mi. E. Inter. Morton Road, SR-1970, a Distance of 0.04 Mi.

Recordation Reference: DB 811 pg 200 - 258

ROW Width (feet) = 90 feet

► Primmer House Road, SR-624

No Prior Route Number

• From: 0.16 Mi. E. Inter. Morton Road, SR-1970

To: Inter. Riggs Road, SR-1960 (Future), a Distance of 0.14 Mi.

Recordation Reference: Ins # 000000499, PB 34 pg 128-130

ROW Width (feet) = 100 feet

► Primmer House Road, SR-624

No Prior Route Number

• From: Inter. Riggs Road, SR-1960 (Future), Riggs Road

To: Inter. Leeland Road, SR-626, a Distance of 0.26 Mi.

Recordation Reference: Ins # 000000499, PB 34 pg 128-130

ROW Width (feet) = 100 feet

► Morton Road, SR-1970

No Prior Route Number

• From: Inter. Primmer House Road, SR-624

To: 0.10 Mi. NE Inter. Primmer House Road, SR-624, a Distance of 0.10 Mi.

Recordation Reference: Ins # 000000499

ROW Width (feet) = 60 feet & various

WHEREAS, the Board requests the Virginia Department of Transportation (VDOT) to abandon this segment to the Secondary System of State Highways pursuant to Section 33.1-155, of the Code of Virginia (1950), as amended, the following section change in the Secondary System of State Highways due to the construction of Primmer House Road; and

Type of Change to the Secondary System of State Highways: Abandonment

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: Developer Project

Pursuant to Code of Virginia, Section 33.1-155

Street Name and State Route Number

- ► Morton Road, SR-624
 - From: 0.11 Mi. E. Northridge Drive, SR-1334

To: 0.24 Mi. NE. Inter. Northridge Drive, SR-1334, a Distance of 0.13 Mi.

WHEREAS, the Board requests the Virginia Department of Transportation (VDOT) to

make data corrections to the Secondary System of State Highways pursuant to Section 33.1-69, of the Code of Virginia (1950), as amended, the following section changes in the Secondary System of State Highways due to the construction of Primmer House Road; and

Type Change to the Secondary System of State Highways: Data Correction

This Board hereby requests the data correction of the following segments of the Secondary

System of State Highways:

Reason for Change: State Route Re-numbering, Developer Project

Pursuant to Code of Virginia, Section 33.1-69

Street Name and State Route Number

► Morton Road, SR-1970

Prior Route Number 624

• From: 0.10 Mi. NE Inter. Primmer House Road, SR-624

To: Inter. Hickory Ridge Road, SR-1094, a Distance of 0.14 Mi.

► Morton Road, SR-1970

No Prior Route Number

• From: Inter. Hickory Ridge Road, SR-1094

To: Inter. Cherry Laurel Drive, SR-1098, a Distance of 0.08 Mi.

► Morton Road, SR-1970

No Prior Route Number

• From: Inter. Cherry Laurel Drive, SR-1098

To: Inter. Plumosa Drive, SR-1648, a Distance of 0.20 Mi.

► Morton Road, SR-1970

No Prior Route Number

• From: Inter. Plumosa Drive, SR-1648

To: Inter. Leeland Road, SR-626, a Distance of 0.14 Mi.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2008, that the Board be and it hereby does petition the Virginia Department of Transportation to approve the aforementioned additions, abandonment and data correction to the Secondary System of State Highways; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

Item 5. Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Item 5b. Architectural Review Board for Centreport.

Resolution R08-106 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE ARCHITECTURAL REVIEW BOARD FOR CENTREPORT

WHEREAS, Centreport has a number of proffers associated with its commercial and industrial portion to assure consistent quality throughout the project; and

WHEREAS, proffer 6 requires the owner to develop design guidelines and establish an Architectural Review Board (ARB) to enforce them; and

WHEREAS, once established, the Centreport ARB will review and approve all development and construction in the areas of architectural design, tree preservation, site configuration, site signage, setbacks and buffers, parking lot landscaping, lighting design, parking lot landscaping, lighting design, maintenance and loading platforms; and

WHEREAS, in order to assure cooperation with and compliance to County goals for development, a member of the Planning Commission and a citizen member shall be appointed by the Board and sit as members of the Architectural Review Board for Centreport; and

WHEREAS, the Centreport ARB will have no authority to require or approve anything that violates an existing county ordinance;

WHEREAS, the Board has previously appointed the following:

NAME EXPIRATION

Mark King Pleasure of the Board

(Citizen)

Barbara Kirby Pleasure of the Board

(Planning Commission Representative)

WHEREAS, Barbara Kirby no longer serves on the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February 2008, that

<u>NAME</u> <u>EXPIRATION</u>

Ruth Carlone Pleasure of the Board

(Planning Commission Representative)

be and she hereby is appointed to the Architectural Review Board for Centreport.

Item 5c. Beautification Committee.

Resolution R08-108 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE STAFFORD

COUNTY BEAUTIFICATION COMMITTEE

WHEREAS, Resolution R06-489 changed the membership of the Beautification Committee; and

WHEREAS, Resolution R06-489 authorized 12 members to be appointed to the Beautification Committee, one to represent Stafford County Public Schools/Community Involvement, Master Gardener, Sheriff's Office, Extension Office, County Government, one representative from each of the County's seven election districts; and

WHEREAS, the Board has previously appointed the following:

(Falmouth District)

<u>NAME</u>	EXPIRATION
Laurie Posner (George Washington District)	December 31, 2006
Stan Zack (Rock Hill District)	December 31, 2007
Janice Haughton (Griffis-Widewater District)	December 31, 2008
Gloria Johnson (Garrisonville District)	December 31, 2008
Shari Kern (Aquia District)	December 31, 2008
Janie Cindric	December 31, 2008

Julie May December 31, 2008 (County Government) Ian Treggett December 31, 2008 (Extension Office) Deputy Craig Cain December 31, 2008 (Sheriff's Office) Cynthia Lucero-Chavez December 31, 2008 (Stafford County Public Schools/ Community Involvement) Linda Dunn December 31, 2008 (Master Gardener) Patrice Promack December 31, 2008 (Hartwood District) WHEREAS, Shari Kern and Janie Cindric have submitted their resignations; and WHEREAS, the term of membership is one year; and WHEREAS, the Board desires to fill these vacancies; NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of January 2008, that

DATE

NAME

Pamela Haines

December 31, 2008

(Aquia District)

be and she hereby is appointed to the Beautification Committee.

Legislative; Appoint a Member to the Architectural Review Board. Mr. Brito commented.

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Resolution R08-135.

The Voting Board tally was:

Yea: (7)

Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R08-135 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE ARCHITECTURAL REVIEW

BOARD

WHEREAS, Section 28-58 (b) (1) of the County Code authorizes the Board to appoint members who shall have a demonstrated knowledge, interest, or competence in historic

preservation to serve on the Architectural Review Board; and

WHEREAS, Section 28-58 (b) (2) of the County Code states that the Architectural Review Board shall be composed of five members, with the following representation: at least one member shall be a registered architect, or an architectural historian, with a demonstrated interest in historic preservation; at least one member shall be a member of the planning commission, at least one member shall be a resident of a designated historic district in Stafford County; and

WHEREAS, the Board has appointed the following:

<u>NAME</u> <u>EXPIRATION</u>

Norman Schools December 31, 2006

(Historic District)

Mark King December 31, 2010

(Member-at-Large)

VACANT December 31, 2010

(Planning Commission)

Tanya Gossett December 31, 2009

(Architectural Historian)

Tab Blazek December 31, 2010

(Architectural Historian)

WHEREAS, Mark King has submitted his resignation; and

WHEREAS, the term of membership is three years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February 2008, that

<u>NAME</u> <u>EXPIRATION</u>

Barbara Kirby December 31, 2010

(Member-at-Large)

be and she hereby is appointed to the Architectural Review Board.

Legislative; Appoint a Member to the Architectural Review Board. Mr. Brito motioned,

seconded by Mr. Sterling, to adopt proposed Resolution R08-105.

The Voting Board tally was:

Yea: (7)

Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

Resolution R08-105 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE ARCHITECTURAL REVIEW

BOARD

WHEREAS, Section 28-58 (b) (1) of the County Code authorizes the Board to appoint

members who shall have a demonstrated knowledge, interest, or competence in historic

preservation to serve on the Architectural Review Board; and

WHEREAS, Section 28-58 (b) (2) of the County Code states that the Architectural

Review Board shall be composed of five members, with the following representation: at least

one member shall be a registered architect, or an architectural historian, with a demonstrated

interest in historic preservation; at least one member shall be a member of the planning

commission, at least one member shall be a resident of a designated historic district in Stafford

County; and

WHEREAS, the Board has appointed the following:

NAME

EXPIRATION

Norman Schools

December 31, 2006

(Historic District)

Barbara Kirby

December 31, 2010

(Member-at-Large)

VACANT December 31, 2008

(Planning Commission)

Tanya Gossett December 31, 2009

(Architectural Historian)

Tab Blazek December 31, 2010

(Architectural Historian)

WHEREAS, the Planning Commission has recommended Ruth Carlone; and

WHEREAS, the term of membership is three years;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February 2008, that

<u>NAME</u> <u>EXPIRATION</u>

Ruth Carlone December 31, 2010

(Planning Commission)

be and she hereby is appointed to the Architectural Review Board.

Planning and Zoning; Discuss to Amend and Reordain the County Code by Amending Section 28-38 Performance Regulations of the Zoning Ordinance Regarding Resource Protection Area Buffer. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-98.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Milde, to send proposed Resolution R08-98, with changes, to the Planning Commission.

Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (5) Brito, Crisp, Dudenhefer, Milde, Sterling

Nay: (2) Schwartz, Woodson

Resolution R08-98 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR AN AMENDMENT TO STAFFORD COUNTY CODE, SECTION 28-38, REGARDING SETBACKS FROM CRITICAL RESOURCE PROTECTION AREAS

WHEREAS, the Board desires to promote quality development practices that add long term value to communities within the County; and

WHEREAS, on all plans of development, when a stream is determined to be perennial, or for areas adjacent to tidal water bodies, a one hundred (100) foot wide Critical Resource Protection Area (CRPA) buffer is established adjacent to the resources; and

WHEREAS, a principal building can abut the edge of the CRPA buffer, leaving no room for additions or extensions of the building and no usable yard; and

WHEREAS, the zoning ordinance does not require a principal building to have a setback from the edge of a CRPA buffer; and

WHEREAS, the Board desires a setback requirement for principal buildings from the CRPA buffers to allow for additions, extensions and usable yards; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2008, that an amendment to Stafford County Code, Section 28-38, Performance Regulations, be and it is hereby authorized for public hearing; and

BE IT FURTHER RESOLVED that the Planning Commission is tasked to work with the Commissioner of Revenue to determine impacts to property values.

<u>Transportation</u>; <u>Discuss to Amend and Reordain Section 17-31(A)(2) of the County Code</u>

<u>Entitled "No Wake Areas on Aquia Creek"</u>. The County Administrator commented.

Mr. Milde motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-97.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Resolution R08-97 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD
COUNTY CODE, SECTION 17-31(a)(2) ENTITLED "NO
WAKE AREAS ON AQUIA CREEK"

WHEREAS, the Board has the authority pursuant to Section 29.1-744 of the Code of Virginia (1950), as amended, to designate "No Wake" areas on the waters of the County; and

WHEREAS, the Board is interested in promoting public health, safety and welfare, including the prevention of accidents and injuries caused by boat wakes; and

WHEREAS, the County Administrator has received a letter and petition from interested parties regarding relocation of the "No Wake" zone on Aquia Creek to improve wake conditions;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of February, 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing on March 4, 2008 to amend and reordain Stafford County Code, Section 17-31(a)(2) entitled "No Wake" areas on Aquia Creek.

<u>Planning and Zoning; Amend and Reordain Section 22-190 Street Access of the Subdivision Ordinance.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Woodson, to defer proposed Resolution R08-99 until October/November timeframe.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, to defer proposed Resolution R08-99 for 90 days.

Discussion ensued.

Mr. Brito withdrew the substitute motion. Mr. Woodson withdrew the second to the motion.

Hearing no objections, the original motion was amended to change the timeframe to July, 2008.

The Voting Board tally on the amended original motion was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

<u>Planning and Zoning; Refer the Comprehensive Plan Amendment and Reclassification of Parcels in the Courthouse Redevelopment Area Back to the Planning Commission.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Woodson motioned, seconded by Mr. Brito, to adopt proposed Resolution R08-110.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-110 with a change to reflect the end of March or 30 days.

Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (3) Sterling, Dudenhefer, Milde

Nay: (4) Woodson, Brito, Crisp, Schwartz

The Voting Board tally on the original motion was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R08-110 reads as follows:

A RESOLUTION TO REFER THE AMENDMENT TO THE COMPREHENSIVE PLAN AND RECLASSIFICATION FOR THE COURTHOUSE REDEVELOPMENT AREA, PURSUANT TO APPLICATIONS COM2700669 AND RC2700668, BACK TO THE PLANNING COMMISSION

WHEREAS, the Board has endorsed the strategic plan for redevelopment of the Courthouse area in the vicinity of Jefferson Davis Highway and Courthouse Road; and

WHEREAS, the current Land Use Plan does not accurately reflect the vision for redevelopment of this area; and

WHEREAS, the Board has previously adopted a Comprehensive Plan for the County pursuant to Va. Code §15.2-2223, et seq.; and

WHEREAS, the current Comprehensive Plan/Land Use Plan recommends the portions of the Courthouse Redevelopment Area for Light Industrial and Heavy Industrial use; and

WHEREAS the Board desires to consider a Comprehensive Plan amendment and reclassification to change the planned use of the identified parcels in this area to a commercial category; and

WHEREAS, the Board referred the amendment and reclassification to the Planning Commission on November 20, 2007; and

WHEREAS, the Planning Commission has recommended the Board grant them additional time to consider the amendment and reclassification in context of the overall update to the Comprehensive Plan;

WHEREAS, the Board finds that the public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to reclassify the subject properties;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors

on this the 5th day of February, 2008, that it be and hereby does refer to the Planning

Commission for its consideration the proposed amendment to the Comprehensive Plan and the

reclassification of properties for the Courthouse Redevelopment Areas, pursuant to applications

COM2700669 and RC2700668, in the overall update to the Comprehensive Plan and hereby

requests the Planning Commission to prepare such amendment to the Comprehensive Plan and

conduct such further consideration regarding the overall update to the Comprehensive Plan and

the proposed reclassification; and

BE IT FURTHER RESOLVED that the Board hereby requests the Planning Commission

to submit the amendments and any recommendations on the amendment and reclassification to

the Board within 60 days of the date of its first meeting hereafter.

Recess. At 3:03 P.M., the Chairman declared a recess.

Call to Order. At 3:11 P.M., the Chairman called the meeting back to order.

Transportation; Approve Residential Traffic Management Guidelines. Mr. Fulton deLamorton,

Transportation Administrator, gave a presentation and responded to Board members questions.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to endorse the concept as proposed of the

residential traffic management guidelines with the understanding that when the final document is

received the Board will consider the approval.

Discussion ensued.

The Voting Board tally was:

Yea: (7)

Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Legislative; Discuss Committee on HB3202. Mr. Brito commented.

Hearing no objections from the Board, the Chairman appointed Mr. Brito to serve on this committee with the Planning Commission committee.

<u>Legislative</u>; <u>Discuss Zoning Determinations</u>.

Mr. Brito motioned, seconded by Mr. Woodson, to direct staff to prepare an ordinance change which would require all abutting property owners of zoning determinations be notified.

Discussion ensued.

Mr. Brito withdrew his motion. Mr. Woodson withdrew the second to the motion.

Hearing no objections from the Board, the County Attorney was requested to further review the issue and bring back the options.

<u>Legislative</u>; <u>Discuss Partnering with Shiloh Community Services Corporation to Build and Operate a Community Center in Stafford.</u> Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to request staff to meet with Dr. George Quick to further review the issues.

Dr. George Quick, owner of Shiloh Community Services Corporation, gave a presentation.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, to refer this item to the Parks and Recreation Commission..

Discussion further ensued.

Mr. Brito amended the motion to 90 days. Mr. Woodson seconded the amended motion.

The Voting Board tally was:

Yea: (5) Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (2) Dudenhefer, Milde

Legislative; Discuss Occupancy of Single and Multiple Dwellings. Mr. Dudenhefer commented.

Discussion ensued.

Hearing no objections from the Board, the County Attorney was requested to further review the issue and report back in one month.

<u>Legislative</u>; Create a Transportation Commission to Look at Transportation Issues in Stafford and Make Recommendations to the Board. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to appoint a Board committee to further review the issue and report back.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Milde, Sterling, Crisp, Dudenhefer

Nay: (3) Schwartz, Woodson, Brito

Hearing no objections from the Board, Mr. Brito and Mr. Dudenhefer were appointed to the committee.

Legislative; Discuss Commuter Parking Summit. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to request the County Administrator arrange a commuter parking summit.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Sterling, Brito, Crisp, Dudenhefer, Milde

Nay: (2) Schwartz, Woodson

Discussion further ensued.

Mr. Brito motioned, seconded by Mr. Schwartz, to refer to the Parks and Recreation Commission for further review the concept of commuters using the parking lots.

The Voting Board tally was:

Yea: (4) Woodson, Brito, Crisp, Schwartz

Nay: (3) Sterling, Dudenhefer, Milde

Legislative; Discuss SB768 – Impact Fees/Proffers Bill. Mr. Dudenhefer commented.

Mr. Dudenhefer motioned, seconded by Mr. Crisp, to request staff prepare a strongly worded communication stating that the Board sees significant problems with the legislation and to request a delay.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Legislative; Discuss Virginia Railway Express Parking Lots. Mr. Dudenhefer commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to request the Virginia Railway Express Operations Board and the Potomac and Rappahannock Transportation Commission move forward with the environmental work at both Brooke and Leeland commuter parking lots.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Legislative; Discuss Naming of VDOT Roadways and Structures. Mr. Milde commented.

Discussion ensued.

Hearing no objections from the Board, staff was requested to work with the Virginia Department of Transportation to further define the parameters.

<u>Legislative</u>; <u>Discuss Aquia District Impact Fee Area.</u> Mr. Milde commented.

Discussion ensued.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to request a policy on transportation impact fees for all of the County.

Mr. Fulton DeLamorton, Transportation Administrator, commented further.

Mr. Milde withdrew the motion. Mr. Dudenhefer withdrew the second to the motion.

Recess. At 5:15 P.M., the Chairman declared a recess.

<u>Call to Order.</u> At 7:00 P.M., the Chairman called the meeting back to order.

<u>Invocation.</u> Mr. Milde gave the Invocation.

<u>Pledge of Allegiance.</u> Mr. Milde lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

Jerry Nini - Rocky Pen Run Reservoir.

Robert Hopkins - Business, Professional, and Occupational License

tax.

Korri Roper - Multi-family residences.

County Attorney; Amend and Reordain Chapter 23 of the County Code by Amending Article III, Division 2, Section 23-57 entitled "General Provisions" Regarding Tax Relief for the Elderly".

Mr. Joe Howard, County Attorney, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O08-04.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Dudenhefer, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (1) Milde

Ordinance O08-04 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23 OF THE COUNTY CODE BY AMENDING ARTICLE III, DIVISION 2, SECTION 23-57, ENTITLED "GENERAL PROVISIONS" REGARDING TAX RELIEF FOR THE ELDERLY

WHEREAS, it is the desire of the Board to provide appropriate tax relief for the elderly and disabled citizens of the County; and

WHEREAS, the Board has carefully considered the recommendation of the staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of February, 2008, that Stafford County Code, Section 23-57 be and it hereby is amended and reordained as follows:

Sec. 23-57. General provisions.

- (a) Real estate owned by and occupied as the sole dwelling of a person or persons who are not less than sixty-five (65) years of age or who are determined to be permanently and totally disabled is exempted from county real estate taxes up to three thousand dollars a year (\$3,000) two thousand dollars a year (\$2,000), subject, however, to the following restrictions and conditions, in addition to those set out elsewhere in this division:
 - (1) That the total combined income during the immediately preceding calendar year to which such exemption is to apply, from all sources of the owner of the dwelling living therein and of the owner's relatives living in the dwelling, does not exceed thirty-five thousand dollars (\$35,000); provided that the first ten thousand dollars (\$10,000) of income of each relative, other than spouse, of the owner who is living in the dwelling shall not be included in such total. Owners, who are permanently disabled as defined in section 23-56 above, may exclude the first ten thousand dollars (\$10,000) of income.
 - (2) That the net combined financial worth, including equitable interests, as of the December 31 of the immediately preceding calendar year, of the owner and of the spouse

of the owner, excluding the value of the dwelling and the land, not exceeding twenty acres (20), upon which it is situated, does not exceed three-hundred thousand dollars (\$300,000).

- (b) Real estate owned and occupied as the sole dwelling of a person or persons who are not less than sixty-five (65) years of age or who are determined to be permanently disabled is exempted from fifty (50) percent of their county real estate taxes up to three thousand dollars a year (\$3,000) two thousand dollars a year (\$2,000), subject, however, to the following restrictions and conditions, in addition to those set out elsewhere in this division:
 - (1) That the total combined income during the immediately preceding calendar year to which such exemption is to apply, from all sources of the owner of the dwelling living therein and of the owner's relatives living in the dwelling, does not exceed forty thousand dollars (\$40,000); provided that the first ten thousand dollars (\$10,000) of income of each relative, other than spouse, of the owner who is living in the dwelling shall not be included in such total. Owners who are permanently disabled as defined in section 23-56 above, may exclude the first ten thousand (\$10,000) of income.
 - (2) That the net combined financial worth, including equitable interests, as of the December 31 of the immediately preceding calendar year, of the owner and the spouse of the owner, excluding the value of the dwelling and the land, not exceeding twenty acres (20), upon which it is situated, does not exceed two hundred thousand dollars (\$200,000).
- (c) Real estate owned and occupied as the sole dwelling of a person or persons who are not less than (65) years of age or who are determined to be permanently disabled is exempted from fifty (50) percent of their county real estate taxes up to three thousand dollars a year (\$3,000) two thousand dollars a year (\$2,000), subject, however, to the following restrictions and conditions, in addition to those set out elsewhere in this division:
 - (1) That the total combined income during the immediately preceding calendar year to which such exemption is to apply, from all sources of the owner of the dwelling living therein and of the owner's relatives living in the dwelling, does not exceed thirty thousand dollars (\$30,000); provided that the first ten thousand dollars (\$10,000) of income of each

relative, other than spouse, of the owner who is living in the dwelling shall not be

included in such total. Owners, who are permanently disabled as defined in section 23-56

above, may exclude the first ten thousand dollars (\$10,000) of income.

(2) That the net combined financial worth, including equitable interests, as of the

December 31 of the immediately preceding calendar year, of the owner and the spouse of

the owner, excluding the value of the dwelling and the land, not exceeding twenty acres

(20), upon which it is situated, does not exceed four hundred thousand dollars

(\$400,000).

(d) The tax exemption herein permitted may be granted for any year following the date the

head of the household occupying such dwelling and owning title or partial title thereto reaches

the age of sixty-five (65) years or is determined to be permanently and totally disabled.

(e) In lieu of the annual affidavit or written statement filing requirement, the Commissioner of

Revenue may prescribe for the filing of the affidavit or written statement on a three-year cycle

with an annual certification by the taxpayer that no information contained on the last preceding

affidavit or written statement filed has changed to violate the limitations and conditions provided

herein.

This Ordinance will take effect upon adoption.

Planning and Zoning; Amend and Reordain the County Addressing Ordinance by Amending the

Index of Official Road Names to Name a Portion of a Road. Mr. Jeff Harvey, Director of

Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Robert Hopkins

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O08-11.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Ordinance O08-11 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY
ADDRESSING ORDINANCE BY AMENDING THE INDEX
OF OFFICIAL ROAD NAMES TO NAME A PORTION OF A ROAD IN
THE FREDERICKSBURG POSTAL AREA

WHEREAS, the Board has established a Countywide system for naming all roads and numbering all principal buildings in the County; and

WHEREAS, the Board is authorized by Section 15.2-2019 of the Code of Virginia (1950), as amended, to name roads; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony received at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of February, 2008, that the Addressing Ordinance for Stafford County be and it hereby is amended and reordained by amending the <u>Index of Official Road Names</u> to name a portion of a road in the Fredericksburg Postal Area as follows:

Location Current Road name New Road Name

From the intersection of Morton Unnamed Road Primmer House Road Road, 950 feet east, to CSX railroad bridge

02/05/08 - Page 37

Legislative; Refer Street Name Changes in the Falmouth District to the Planning Commission..

Mr. Schwartz motioned, seconded by Mr. Dudenhefer, to refer street name changes in the

Falmouth district to the Planning Commission:

Layhill Road in its entirety, a portion of Forbes Street and a portion of Morton Road

should be renamed Primmer House Road; Forbes Street from the intersection with Layhill

Road north to its terminus at Dogwood Airpark should be renamed Forbes Court; Jefferson

Davis Highway from the north end of Forbes Street at Dogwood Airpark to Centerport

Parkway should be renamed Cambridge Street; the public necessity, convenience,

zoning practice require adoption of such an ordinance; and the general welfare and good

remaining of these streets is important for the motoring public and emergency response

purposes.

The Voting Board tally was:

Yea: (7)

Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Legislative; Discuss Board Van. Mr. Milde commented.

Mr. Milde motioned, seconded by Mr. Sterling, for the County to donate the Board van to the

Chaplain Group Home.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, for the County to retain the

Board van and perform preventative maintenance.

The Voting Board tally was:

Yea:

Woodson, Brito (2)

Nay: (5)

Crisp, Dudenhefer, Milde, Schwartz, Sterling

02/05/08 - Page 38

The Voting Board tally on the original motion was:

Yea: (6) Sterling, Woodson, Crisp, Dudenhefer, Milde, Schwartz

Nay: (1) Brito

Legislative; Discuss Virginia Youth Soccer Association. Mr. Milde commented.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to request that staff engage in discussion with the Virginia Youth Soccer Association to determine if we can put together a program which may be appropriate.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, to refer the issue to the Parks and Recreation Commission for further review and recommendation.

The Voting Board tally was:

Yea: (3) Schwartz, Woodson, Brito

Nay: (4) Crisp, Dudenhefer, Milde, Sterling

The Voting Board tally was:

Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (1) Brito

<u>Legislative</u>; <u>Discuss Review of Boards</u>, <u>Authorities</u>, <u>Commissions and Committees</u>. Mr. Sterling commented.

Hearing no objections from the Board, the Chairman formed a committee of Mr. Schwartz and Mr. Sterling to review all boards, authorities, commissions and committees and report back the Board.

Legislative; Discuss Public Notices. Mr. Woodson commented.

Mr. Woodson motioned, seconded by Mr. Brito, to request public notices be posted on the home page at the same time they are placed in the newspaper.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to request staff provide additional information to the Board.

Discussion ensued.

Mr. Milde withdrew his motion. Mr. Dudenhefer withdrew the second to the motion.

Mr. Woodson withdrew the motion. Mr. Brito withdrew the second to the motion.

Hearing no objections from the Board, staff was requested to further review and to provide additional information.

<u>Legislative</u>; <u>Discuss Board of Zoning Appeals Broadcast.</u> Mr. Woodson motioned, seconded by Mr. Schwartz, to broadcast the Board of Zoning Appeals meetings in the same manner as the Board of Supervisors and the Planning Commission.

Discussion ensued.

Mr. Woodson withdrew the motion. Mr. Schwartz withdrew the second to the motion.

Hearing no objections from the Board, staff was requested to further review and to provide additional information.

02/05/08 - Page 40

Legislative; Discuss Posting of Comprehensive Plan Amendments by the Office of Planning and

Zoning. Mr. Woodson motioned, seconded by Mr. Brito, for the Planning and Zoning staff to

post on the home page all on a weekly basis beginning March 1, 2008 list all applications

received for comprehensive plan and compliance review; rezonings, conditional use permits,

subdivision, site and construction plans, private access easements, administrative waivers and

appeals, vacation and special exceptions, to include parcel and identification numbers of the

subject property.

Discussion ensued.

Mr. Woodson withdrew the motion. Mr. Brito withdrew the second to the motion.

Hearing no objections from the Board, staff was requested to further review and report back.

Legislative; Discuss Certification of Planning Commissioners. Mr. Woodson commented.

Mr. Woodson motioned, seconded by Mr. Crisp, to request staff draft a proposed ordinance amendment for review at the next Board meeting which would require certification of Planning Commission members within one year of their appointment or enactment of this ordinance and

the cost shall be borne by the County.

Discussion ensued.

The Voting Board tally was:

Yea: (6)

Woodson, Brito, Crisp, Dudenhefer, Milde, Sterling

Nay: (1)

Schwartz

<u>Legislative</u>; <u>By-Laws Committee Report.</u> Mr. Crisp and Mr. Sterling gave committee

presentations.

Mr. Crisp motioned, seconded by Mr. Sterling, to adopt the proposed By-Laws with changes.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (2) Brito, Woodson

The Adopted Bylaws and Rules of Procedure read as follows:

2008 BY-LAWS AND RULES OF PROCEDURE

BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

INDEX

2008

BY-LAWS AND RULES OF PROCEDURE STAFFORD COUNTY BOARD OF SUPERVISORS

		<u>PAGE</u>
Section 1 - Meetir	ngs	
Section 1-1	Annual organizational meetings	1
Section 1-2	When regular meetings held	1
Section 1-3	Special meetings	1
Section 1-4	Quorum and method of voting	1
Section 2 - Office	rs	
Section 2-1	Chairman and Vice Chairman	2
Section 2-2	Preservation of order	2
Section 2-3	Chairman may administer oaths	2
Section 2-4	Parliamentarian	3
Section 2-5	Clerk	3

Section 3 - Conduct of Business

Section 3-1	Order of business	3		
Section 3-2	Consent agenda	5		
Section 3-3	Motions	5		
Section 3-4	Appeal to Board	6		
Section 3-5	Suspending rules	6		
Section 4 - Public Hearings				
Section 4-1	Chairman to conduct public hearings	6		
Section 4-2	Hearing presentations	6		
Section 4-3	Order of public hearings	6		
Section 4-4	Members' participation	7		
Section 4-5	Close of hearing	7		
Section 4-6	Debate	7		
Section 5 - Agenda				
Section 5-1	Preparation	7		

,

Section 5-2	Transmittal	8		
Section 5-3	Board Member Additions to Proposed Agendas	8		
Section 5-4	Further Additions to Agenda	9		
Section 5-5	Proclamations	9		
Section 5-6	Appointments	9		
Section 5-7	Emergency Matters	9		
Section 5-8	Minutes	10		
Section 6 - General Operating Policy				
Section 6-1	Actions by individual members of the Board	10		
Section 6-2	Legal action	10		
Section 6-3	Discussion of zoning and land use matters	10		
Section 6-4	Polling Procedure	11		
Section 6-5	Action on Land Use matters in election year	11		
Section 7 Amendments				
Section 7-1	Amendments to the By-Laws and Rules of Procedure	11		

BY-LAWS AND RULES OF PROCEDURE STAFFORD COUNTY BOARD OF SUPERVISORS

Section 1 -- Meetings

Section 1-1 Annual organizational meetings

- A. The first January meeting of each year shall be known as the annual meeting. The County Administrator shall preside to open the annual meeting and to conduct the election of the Chairman.
- B. The Chairman shall be elected at the annual meeting for a term of one year. The Chairman shall serve until his successor has been elected. The Chairman may succeed himself in office.
- C. Following his election, the Chairman shall assume the Chair and conduct the election of the Vice Chairman for a term of one year.
- D. No member shall serve as Chairman or Vice Chairman for more than two consecutive years.
 - E. Following the election of the Vice Chairman, the Board shall:
 - 1. Establish days, times and places for its regular meetings; and
 - 2. Adopt its By-Laws and Rules of Procedure.

Section 1-2 When regular meetings held

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with Section 15.2-1416 of the Code of Virginia (1950), as amended. The Chairman may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date.

Section 1-3 Special Meetings

The Board may hold such special meetings as it deems necessary at such times and places, as it may find convenient; and it may adjourn from time to time. A special meeting of the Board shall be called pursuant to Section 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Board and the County Attorney.

Section 1-4 Quorum and method of voting

- A. A quorum shall consist of a majority of the members of the Board of Supervisors.
- B. At meetings of the Board, the presiding officer shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.
- C. All questions submitted to the Board for decision shall be voted using the electronic voting board. Any member may request a roll call vote. A green light represents a "Yea" vote and a red light represents a "Nay" vote. The Chairman shall call for the vote and each member shall cast his vote via the electronic voting board. The Chairman shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chairman. Upon the display of the vote, the Chairman shall announce the vote.

- D. It shall be the duty of every member to vote on issues before the Board of Supervisors. If a member must abstain, he shall state his reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chairman to have the reason for the abstention noted in the official record, if a reason is requested by any member of the Board.
- E. A tie vote fails; however, if all members are not present for the vote, the matter shall be passed by until the next regular meeting of the Board, when the matter shall be placed on the agenda as if for the first time, with full discussion and debate allowed by all members and with a new vote taken by all members present.

<u>F.</u> Failure of a motion couched in the negative (i.e., to deny a rezoning), whether due to tie vote or otherwise, does not authorize positive action.

Section 2 -- Officers

Section 2-1 Chairman and Vice Chairman

The Chairman shall preside at all meetings of the Board of Supervisors. The Vice Chairman serves in the absence of the Chairman. In the absence from any meeting of both the Chairman and the Vice Chairman, the members present shall choose one of their members as a temporary Chairman. The Chairman shall make all appointments to Board of Supervisors' committees. Substitutes or alternates appointed to Board of Supervisors' committees may participate only if so authorized by the Chairman.

Section 2-2 Preservation of order

At meetings of the Board, the presiding officer shall preserve order and decorum.

Section 2-3 Chairman may administer oaths

The Chairman shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-4 Parliamentarian

Except as modified herein or as provided by law, the most current edition of <u>Robert's Rules of Order</u> shall be the parliamentary authority of the Board of Supervisors using the Rules for small bodies. The County Attorney shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of <u>Robert's Rules of Order</u> shall be addressed to the County Attorney. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

Section 2-5 <u>Clerk</u>

The Clerk of the Board shall be the County Administrator as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

Section 3 -- Conduct of Business

Section 3-1 Order of business

A. At the Board's first meeting of the month, the order of business shall be generally as follows:

call to order (1:00 p.m.)
roll call of members
announcement of absences
presentations by the public-I
presentations and committee reports by

members of the Board in rotation report of the Superintendent of Schools report of the County Attorney report of the County Administrator consent agenda unfinished business new business items added by Board members closed meeting (if necessary) recess invocation (7:00 p.m.) Pledge of Allegiance presentations by the public-II public hearings media time

adjournment

B. At the Board's second meeting of the month, the order of business shall be generally as follows:

```
call to order (1:00 p.m.)
roll call of members
announcement of absences
work session
report from VDOT (quarterly)
recess
invocation (7:00 p.m.)
Pledge of Allegiance
presentations by the public
public hearings
consent agenda
closed meeting (if necessary)
media time
adjournment
```

- C. The above order of business and times may be modified by the County

 Administrator Chairman should there not be an evening portion of the meeting, or for presentations by VDOT, the Sheriff, the public, etc., and appointments which are occasional in nature.
- D. Presentations and committee reports by Board members are limited to five (5) three (3) minutes each. It shall be the responsibility of the Chairman to enforce this rule.
 - E. Presentations by the public are governed by the following rules:
 - 1. Comments shall be addressed to the Chairman and Board as a whole and not to individual Board members.

- 2. Comments by the public shall be limited to three (3) minutes for individuals and five (5) minutes for groups all speakers.
- 3. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening period.
- 4. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card. All speakers must identify themselves and state their address.
- 5. Public presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County

 Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.
- 6. Members of the Board will not respond to questions or engage in discussions with the audience or the citizen making presentations during Presentations by the Public. At the conclusion of Presentations by the Public, the Board may refer any matter raised to the County Administrator for investigation, further study, and report to the Board.
- F. No action shall be taken on any committee report unless it is time sensitive. All action shall be scheduled for the next regular agenda.

Section 3-2 <u>Consent agenda</u>

A. The consent agenda shall be introduced by a motion "to approve the consent agenda," and shall be considered by the Board as a single item.

B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda.

- C. The warrant register and specific items that involve the expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.
- D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda, provided that the names and necessary biographical information of the nominees, including education, are provided to the Board as a part of its package prior to the meeting at which the appointment is to occur.
- E. The acceptance of grants from federal or state agencies and flow-through funds awarded to county entities, departments and agencies may be placed on the consent agenda.
- F. The acceptance of property or the ratification of the purchase of property previously authorized by the Board of Supervisors may be placed on the consent agenda.

Section 3-3 <u>Motions</u>

- A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws.
 - B. The Chairman may make a motion without relinquishing the chair.
- C. No member may speak more than twice to the same motion. No member may speak a second time on a motion until every member desiring to speak has spoken.
- D.C. A substitute motion shall be allowed to any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion must then be voted. Once a substitute motion is voted upon, a second substitute motion may be made. No more than two (2) substitute motions may be made.

Section 3-4 Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

Section 3-5 <u>Suspending rules</u>

One or more of these By-Laws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present.

Section 4 -- Public Hearings

Section 4-1 Chairman to conduct public hearings

The Chairman shall conduct all public hearings.

Section 4-2 Hearing presentations

Hearings may begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the County Administrator. The presentation shall summarize the facts about the issue. Board members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

A. The Chairman shall open the public hearing.

- B. The applicant or his representative shall be the first speaker(s). There shall be a time limit of five (5) minutes for the applicant's or his representative's presentation, unless extended by the Chair. Any and all representations made by the applicant or his representative to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.
- C. The Chairman shall then solicit comments from the public. Each speaker must clearly state his name and address. There shall be a time limit of three (3) four (4) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes.
- D. Public hearing presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.
- D. E. After public comments have been received, the applicant or the representative of the applicant, at his discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal.
- E. F. Upon the conclusion of the applicant's comments, the Chairman shall close the public hearing.

Section 4-4 <u>Members' participation</u>

Board members shall withhold their comments in public hearings to ensure participation by the public without Board interference.

Section 4-5 Close of hearing

When a public hearing has been closed by the Chairman, no further public comments shall be permitted. Board members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 <u>Debate</u>

Following the close of the public hearing, the Chairman entertains a motion and a second to dispose of the issue and the Board may debate the merits of the issue.

Section 5 -- Agenda

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for each regular and special meeting conforming to the order of business specified in Section 3–1(A) entitled "Order of Business". The County Administrator shall coordinate the scheduling of items on the agenda with the Chairman. The Chairman will schedule the topics for the work sessions on the second monthly meeting and special meetings as necessary.

- B. Board members may request that items be placed on the agenda, for discussion, by contacting the County Administrator at least seven (7) business days prior to the Board meeting for which they wish the item scheduled. No such item shall be removed without the consent of the requesting Board member. At the Board's direction, and after it has considered the item, the County Administrator shall place the item on the agenda for the first meeting of the month following the request. When proclamations are requested by a Board member, the County Administrator shall place the name of the requesting Board member on the agenda.
- C. All items requested to be placed on the agenda, which have not been submitted within the prescribed deadline, shall be placed on the next regular agenda for consideration.

D. Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual meeting of the Board for a term beginning on January 1st of the calendar year. All appointments shall be made between the annual meeting and March 31, 2008. This restriction does not preclude appointments when vacancies occur or when new boards, authorities, commissions and committees are created.

E. Any matter not on the scheduled agenda may be heard provided that such a request is in the form of a motion, duly seconded and voted upon by a majority of the Board. Any such matter must be of an emergency nature, vital to the continued proper and lawful operation of the County.

The County Administrator, in consultation with the Chairman, shall prepare an agenda for each regular and special meeting of the Board, conforming to the order of business specified in Section 3-1.A and Section 3-1.B of these Bylaws. The Chairman shall schedule topics proposed for work sessions on the second monthly meeting of the Board, and any special meetings, as necessary.

Section 5-2 Transmittal

After completion of the agenda preparation by the Chairman and County Administrator for each meeting, the proposed agenda shall be electronically transmitted to each member of the Board. Under normal circumstances, the transmittal should occur approximately 11 calendar days prior to the scheduled meeting of the Board.

Section 5.3 Board Member Additions to Proposed Agendas

A. After the proposed agenda has been transmitted to the Board, individual Board members may request additional items to be placed on the agenda for discussion. Each Board member shall have the opportunity to request no more than two (2) items to be added to the agenda for discussion. The request from the Board member must be received by the County Administrator by the close of business on the Tuesday of the week prior to the Board meeting (generally seven (7) calendar days prior to the Board meeting).

- B. It is the intent of this provision to allow all Board members to increase the topics being presented for discussion at each meeting, while keeping the meeting agenda at a manageable level in the interest of providing time for Board action, full discussion of the business matters coming before the Board at each meeting, as well as full participation of the public at public presentations and scheduled public hearings.
- C. The items requested to be included in the agenda that meet the foregoing requirements shall not be removed from the agenda, without the consent of the requesting member, except by majority vote of the Board at the meeting. Such discussion items will not involve staff work for preparation of Board packages or reports. After consideration of the discussion item at the Board meeting, if approved by the Board, the matter may be referred to a committee or scheduled for a future Board meeting, with all necessary staff work being provided to permit the Board to take any appropriate action.

Section 5-4 Further Additions to Agenda

If a member of the Board has more than two (2) items he desires to add to the agenda for discussion at a meeting, or if a Board member is not able to request addition of the item in time to comply with the time limits of this Section, the County Administrator will place such items on a separate handout for the Board's consideration as an "add-on" at the meeting, as long as the request is received in time to permit a handout to be prepared. If there is insufficient time to have a written handout prepared, the Board member may orally request the item to be added to the agenda with the other "add-ons". Any such items may be added to the agenda only on majority vote of the Board at the involved meeting. Generally such matters should be of a time sensitive nature, requiring consideration or action prior to the next regularly scheduled meeting of the Board. In the alternative, if agreed to by the requesting Board member, the item may be placed on the next regularly scheduled meeting of the Board by the County Administrator.

Section 5-5 Proclamations

When a Board member requests a proclamation to be placed on the agenda, the County

Administrator shall place the name of the requesting Board member on the agenda as part of the item. Each member of the Board may request no more than two proclamations for any regular meeting. In the event that a Board member has more than two proclamations, the additional proclamations will be handled as set forth in Section 5-4 above as Further Additions to Agenda.

Section 5-6 Appointments

Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual organizational meeting of the Board for a term beginning on January 1 of the calendar year. Generally all appointments to standing boards, commissions, committees and authorities should be made between the annual organizational meeting of the Board and March 31 of that calendar year. The foregoing restrictions do not preclude appointments when vacancies occur, when new boards, authorities, commissions and committees are created, or if the Board agrees to make an appointment to a regional body from the membership of the Board, due to the organizational structure of the regional body, and which would negatively impact Stafford County's participation in the regional body, if an appointment were to be delayed until the organizational meeting of the Board.

Section 5-7 Emergency Matters

Any matter not included in the scheduled agenda, after any additions approved pursuant to Section 5-4 above, may be considered by the Board, only upon majority vote of the Board.

Any such matter should only be added to the agenda if it is of an emergency nature, vital to the continued proper and lawful operation of the County.

Section 5-8 <u>Minutes</u>

The Clerk of the Board shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Board

A. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission or committee of the Board, to initiate any action that would require a County employee to perform any action contrary to the laws, ordinances or policies of Stafford County or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his views, that he place on the same document the following, if appropriate:

This letter, memorandum, or document represents only the views of the writer or writers and does not necessarily represent the views of any other member of the Board of Supervisors or the Board of Supervisors as the governing body of Stafford County, Virginia.

B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-Laws.

02/05/08 – Page 61

Section 6-2 <u>Legal action</u>

The Board members, the County Administrator, the County Attorney, and any other public official are required to advise the Board prior to filing any civil suit that involves the County. The Building Official, the Zoning Administrator, and/or the Fire Marshal, when appropriate, may seek injunctive relief in accordance with the procedures set forth by the County Administrator and the County Attorney.

Section 6-3 <u>Discussion of zoning and land use matters</u>

Board of Supervisors' members shall not engage in discussions or negotiations with applicants on zoning or land use matters while the matter is before the Planning Commission and prior to the Planning Commission's referral of the matter to the Board of Supervisors.

Section 6-4 Polling Procedure

The County Administrator or his designee may separately contact members of the Board of Supervisors for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in Section 2.2-3701 of the Code of Virginia (1950), as amended.

Section 6-5 Action on Land Use Matters in Election Years

In any year in which members of the Board of Supervisors are elected, the Board shall not take any action or consider any rezoning applications, Conditional Use Permit Applications, Comprehensive Plan Amendments, or zoning text amendments from October 31 until January 1 of the next year.

Section 7 -- Amendments

Section 7-1 <u>Amendments to the By-Laws and Rules of Procedure</u>

02/05/08 - Page 62

The By-Laws and Rules of Procedure may be amended as necessary by majority vote of

the Board.

<u>Legislative</u>; <u>Closed Meeting.</u> At 8:13 P.M. Mr. Sterling motioned, seconded by Mr.

Dudenhefer, to adopt proposed Resolution CM08-02.

The Voting Board tally was:

Yea:

(7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Resolution CM08-02 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss

in Closed Meeting legal advice in regard to Damages Claim by Wendy Harrison; and a Parks and

Recreation Personnel matter; and

WHEREAS, pursuant to Section 2.2-3711 A.7 and A.1 Va. Code Ann., such discussions

may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this

the 5th day of February, 2008 does hereby authorize discussions of the aforestated matters in

Closed Meeting.

Call to Order. At 8:44 P.M., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification. Mr. Crisp motioned, seconded by Mr. Sterling, to

adopt proposed Resolution CM08-02a.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Resolution CM08-02a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY

BOARD OF SUPERVISORS IN A CLOSED MEETING ON FEBRUARY 5, 2008

WHEREAS, the Board has, on this the 5th day of February, 2008, adjourned into a closed

meeting in accordance with a formal vote of the Board and in accordance with the provisions of

the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1,

1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors

does hereby certify, on this the 5th day of February, 2008, that to the best of each member's

knowledge: (1) only public business matters lawfully exempted from open meeting requirements

under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which

this certification applies; and (2) only such public business matters as were identified in the

Motion by which the said Closed Meeting was convened were heard, discussed, or considered by

the Board. No member dissents from the aforesaid certification.

Legislative; Authorize the County Administrator to Negotiate a Settlement with Wendy Harrison

Claim for Damage Claim.

Mr. Schwartz motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-139.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

02/05/08 - Page 64

Nay: (0)

Resolution R08-139 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO

NEGOTIATE A SETTLEMENT WITH WENDY HARRISON FOR HER DAMAGE

CLAIM

WHEREAS, the Board has received a claim for damages from Wendy Harrison for

damages due to a sewer backup into her house; and

WHEREAS, the Utilities staff has investigated the incident to determine the cause of the

sewer backup into the Harrison house; and

WHEREAS, the Utilities staff is continuing to review the situation with the sewer lines

located in the vicinity of the Harrison house; and

WHEREAS, the Board has been briefed about the results of the investigation and has

received legal advice concerning the claim for damages filed by Wendy Harrison;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors

on this 5th day of February, 2008, does hereby authorize the County Administrator to negotiate a

settlement with Wendy Harrison for her damage claim.

Adjournment. At 8:45 P. M., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM

George H. Schwartz

County Administrator

Chairman